

JUDICIAL CUSTODY OF YOUTH TO THE DEPARTMENT OF HUMAN SERVICES

Guidelines & Procedures

(August 2002)

BACKGROUND INFORMATION

Concerns have been expressed by our staff, staff of allied agencies, juvenile judges, and families that the traditional system of assigning legal custody to one entity within DHS was not appropriate for children and youth who exhibited multiple problems requiring intervention from two or more DHS program divisions. While these cases are not in the majority, they can be amongst the most difficult to serve. Occasionally, conflicts have arisen and the focus has become the controversy rather than making the child and family the focus of the service plan and doing what is right for the child.

Recognizing the nature of these cases, the Department endorsed the concept of providing for a dispositional alternative of placing custody of children/youth that cross the boundaries of several divisions within the Department of Human Services. This concept was endorsed by the Juvenile Justice Task Force and enacted by the 1998 Legislature in the form of SB 5. (UCA 78-3a-118 2(B) (ii) and 62A-1-111.18)

The LIC's (Local Interagency Council) and the LIC coordinator have previously been responsible for calling a core group of LIC members together to make recommendations to the court for a single, coordinated service plan and case manager for the individual child/family.

However, FACT funds were eliminated by the Legislature on July 9, 2002. With the ending of FACT funds, the money for LIC coordinators and flexible funds was also eliminated. Many counties no longer have a coordinator that the judge can send DHS custody orders to. Therefore, it has become necessary to assign a division within the department to take the lead on DHS custody cases and be responsible to make recommendations to the court regarding a coordinated service plan and case manager.

GENERAL GUIDELINES

1. When a youth qualifies for services from more than one Division in the Department of Human Services, custody may be given to the Department instead of a single Division.
2. The designated person within the Division of Child & Family Services shall call together an LIC core team that will act as a multi-disciplinary or interagency screening team. In some communities it may be appropriate to utilize a designated Court Staffing Committee or a subcommittee of key LIC members as the interagency team.

STAFFING

1. Juvenile Court staff or Department staff can request a staffing by the LIC by contacting the designated person with the Division of Child & Family Services when it appears likely that a youth may qualify for Department custody. (A listing of the local Liaison's for DHS custody will be available on the Department of Human Services= Website in the near future.)
2. The LIC or designated Staffing Committee will convene within five (5) working days to discuss the appropriateness of Department custody unless the youth is in detention or shelter and needs to be placed more quickly. In this case, the team should meet the needed time frames of shelter or detention.
3. Appropriateness for Department custody should be based on: (a) the youth meets the requirements of two or more DHS Divisions, (b) the resources/services of more than one Division is required by the youth, and (c) it is not suitable for a single Division to have custody. Lack of Division funding should not be the reason for referring the case for Department custody.
4. If the LIC or Staffing Committee team determines that Department custody is appropriate, the team will designate a Division, or when possible a Division staff member, within the Department to be the case manager. The case manager is responsible for the case and the coordination of the services, and is the contact person for all inquiries, problem resolution, or concerns regarding the case. The case manager will also be the Department representative at court hearings and/or appearances. (Identification of the case manager should be based on the

criteria needed to answer the questions: Who has a relationship or has the best potential of developing a relationship with the youth and family and/or who has responsibility for delivering the majority of services?)

5. If appropriate for Department custody, the LIC will develop a service plan or determine a service plan development team.
6. If the Juvenile Court Judge orders custody to the Department without a LIC screening, the department staff member present in the courtroom at the time or the Juvenile Court staff member present will, within one (1) working day, notify the LIC coordinator or Staffing Committee coordinator so that a service plan development team can be scheduled. At no time should a Department staff member recommend Department custody to the Court without first having the required Team staffing. The case manager responsibility for the case will be designated during the first meeting of the service plan development team.

SERVICE PLAN

1. The service plan should be developed with input from the parents, youth, and LIC members.
2. The service plan should provide for the best interests and safety of the youth, for the safety of the community, for the least restrictive setting consistent with the youth's need, and for close proximity to the parents as possible if an out of home placement is needed.
3. Each service plan will have an identified goal and identified action steps to reach the goal. Time frames and responsibility will be outlined for each action step (objective). The service plan will provide for services for the family, as well as the youth.
4. The case manager will ensure that the case is appropriately entered into the USSDS or SAFE information system. (Also, the DHS Executive Director's Office should be notified of name of the child, the county, the name of the judge, and the name and division of the case manager.) The appropriate case plan forms of the Division from which the case manager comes should be completed. (For example, if the case manager is a Division of Youth Corrections employee, the DYC case plan forms should be completed.)
5. The service plan should be developed within thirty (30) days of the Department receiving custody, unless the youth is in detention or shelter and needs to be placed more quickly. In this case, the team should develop a plan to meet the needed time frames of shelter or detention.
6. The service plan will identify the services needed by the youth and will identify which Divisions or entity will be responsible for funding or delivering the services. In most incidences, the Division who has the staff or the contract should be the entity paying the service. For example, if the youth needs a tracker from a DCFS provider, DCFS would most likely pay for the service; or for example, the case manager is a DYC employee, DYC would fund the case management function. Funding and staff support comes from the local Divisions budget. In some cases the cost of service or match can be shared by other divisions/agencies involved.
7. The Divisions identified in the service plan will continue to be involved with the youth and family until the case is closed. Ownership and responsibility remains with all of the identified Divisions even if they are not named as the case manager. It is understood that when a child/youth enters Departmental custody that staff from all divisions will be partners in providing needed services throughout the course of treatment and duration of custody. Division staff will be responsible to carry out the duties and functions which fulfill their mandate and work collaboratively with other division staff to provide for services that fall between division mandates.
8. The Department Inter-Agency Consultation Team (IACT) or other technical assistance is available to the LIC for consultation, if the LIC and Local Administrative Team would like assistance in developing the service plan. (This process is also available on the Department Website for instructions on how to make a referral to the IACT.)
9. A Department Finance Team is also available to assist in financing issues/problems. The Finance Team consists of the Division Budget Officers and can be reached for consultation by contacting Don Moss at the Office of Finance.

PROGRESS REPORTS

- The case manager will be responsible for convening the LIC (could be a LIC subcommittee with key players) or Staffing Team at least every six (6) months to review the progress of the youth and to make needed adjustments

to the service plan.

- Every six (6) months the case manager will report to the Juvenile Court Judge the progress and status of the case. The case manager will follow the procedures for reporting outlined by the local Juvenile Court.

ORGANIZATION CLARIFICATION

The Department of Human Services is comprised of several Divisions mandated by State Law to provide services to children and youth of Utah and their families who meet eligibility criteria. Two of these Divisions, Division of Child and Family Services and Division of Youth Corrections, have the legal mandate to provide custodial services and provide for the overall well-being of children and youth. Division of Services for People with Disabilities contracts with private providers to secure needed services for children, youth, and adults. The Division of Mental Health provides oversight for community operated mental health centers and the state hospital. Utah law allows physical custody to be assigned to a mental health center or the state hospital, but legal custody remains with Division of Child and Family Services, Division of Youth Corrections, Department of Human Services, or the child's parent or legal guardian. When a child is in physical custody of a mental health center or the state hospital, that entity is responsible for treatment. The Division of Substance Abuse contracts for substance abuse services for children and their families. (As of July 9, 2002, the Division of Mental Health and the Division of Substance Abuse have been combined by legislative action. There will be some housekeeping changes in the law during future legislative sessions in order to clarify these roles.)

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